

REMARKS

Initially, it is noted that the Examiner has objected to the drawings under 37 CFR § 1.83(a) because, in the Examiner's opinion, the feature of a rail member recited in claims 2-3 is not shown. However, applicant refers the Examiner to page 7, lines 23-26 of the specification which states at its pertinent part, "[a]s illustrated best in Figs. 5 and 6, presser 7 is in the form of an elongated, channel-shaped rail member having opposite side walls 8 and 9 interconnected by a bottom wall 10 to define an elongated, longitudinally extending channel 11." In view of the foregoing, it is believed that the feature of a rail member as recited in claims 2-3 is shown in the drawings, and withdrawal of the Examiner's rejection is respectfully requested.

The Examiner has also rejected claims 1-3 and 16-23 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, in claim 1, the Examiner is not clear which feature is recited by the "mounting means" and what is meant by the recitation "disposed flush with." With respect to the phrase "mounting means," applicant refers to the structure that operatively connects to the presser to the support member and has amended claim 1 accordingly. Applicant refers the Examiner to page 13, line 7-page 14, line 7 of the specification wherein the mounting means for mounting presser 66 to support member 62 is fully described. Further, as described in the specification and shown in Figs. 7-10, the mounting means does not extend above the horizontal plane of support member 62. As such, the entirety of the mounting means is either flush with, or in other words co-planar with, the horizontal plane or lies below the horizontal plane. Consequently, it is believed that the "mounting means" feature and the recitation "disposed flush with" are fully described in the specification and withdrawal of the Examiner's rejection under 35 U.S.C. § 112 is respectfully requested.

Finally, the Examiner has rejected claims 1 and 23 under 35 U.S.C. § 103(a) as being unpatentable over Huff, U.S. Patent No. 4,452,595 in view of Gibbs, U.S. Patent No. 1,414,354. However, as hereinafter described, the combination suggested by the Examiner would not provide a presser assembly which would work for its intended purpose. Consequently, for the reasons hereinafter described, applicant does not believe claims 1 and 23 are obvious over the cited references and withdrawal of the Examiner's rejection is respectfully requested.

Claim 1 defines a flush mounted presser assembly for a die cutting machine. The flush mounted presser assembly includes a support member having an upper surface that defines a substantially horizontal plane and a presser movable vertically in a plane perpendicular to the horizontal plane between a first extended position spaced from the support member beneath the horizontal plane and a second retracted position beneath the horizontal plane. Mounting means are provided for operatively connecting the presser to the support member. The mounting means are disposed flush with or below the horizontal plane so that the mounting means does not extend above the horizontal plane.

On the other hand, the Huff '595 patent discloses a stripper apparatus for paperboard blanks. As suggested by the Examiner, the apparatus includes a support member via frame assembly 22 having an upper horizontal surface and a presser rail via table 30 connected to the support member. The Examiner concedes that the Huff '595 patent does not disclose a presser that is vertically movable in a plane perpendicular to the horizontal plane of the support member and a linkage assembly. However, the Examiner suggests that the Gibbs '354 patent discloses a linkage assembly which would allow for the presser to be interconnected to and vertically movable with respect to the support member. However, the combination suggested by the Examiner would be an inoperable for the intended purpose of the presser assembly of the present invention, and hence, the combination cannot be considered obvious.

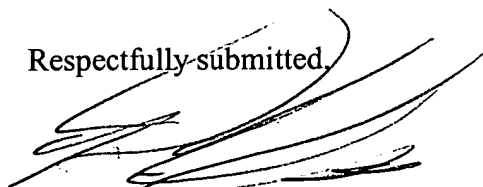
Referring to the Huff '595 patent, it is contemplated to provide the sheet of material on the upper surface of table 30. If, as suggested by the Examiner, the support member of the upper frame assembly 22 was interconnected to the presser rail via table 30 by the linkage assembly taught in the Gibbs '354 patent, the linkage assembly would prevent the sheet of metal from being positioned between the support member and the presser rail on table 30 as provided for in the Huff '595 patent. Alternatively, it is intended that the presser of the presser assembly provided for in independent claim 1 engage and secure the sheet of material between the presser rail and the frame such that a tool may engage the carton blanks formed in the sheet of material and knock the blanks therefrom. See, specification page 1, line 27-page 2, line 5. By interconnecting the support member to the presser rail disclosed in the Huff '595 patent with the linkage assembly disclosed in the Gibbs '354 patent, the presser could not function as intended. More specifically, the presser could not engage and secure the sheet of material on the table since it is intended the sheet lie between the support member (frame assembly 22) and the presser (table 30). As a result, it is believed that the combination suggested by the Examiner would not have been obvious since the suggested combination would not work for its intended purpose. Consequently, it is believed the claim 1 defines over the cited references and passage to allowance is respectfully requested.

Claims 2-3 and 16-23 depend either directly or indirectly from independent claim 1 and further define a presser assembly not shown or suggested in the prior art. It is believed that claims 2-3 and 16-23 are allowable as depending from an allowable base and in view of the subject matter of each claim.

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Inventor: Frank E. Oetlinger
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Applicant believes that the present application with claims 1-3 and 16-23 is in proper form for allowance and such action is earnestly solicited. Applicant believes that no fees are due at this time. However, the Director is hereby authorized to charge payment of any additional fees associated with this or any other communication or credit any overpayment to Deposit Account No. 50-1170.

Respectfully submitted,



Peter C. Stomma
Registration No.36,020

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BOYLE, FREDRICKSON, NEWHOLM, STEIN & GRATZ, S.C.
250 Plaza, Suite 1030
250 East Wisconsin Avenue
Milwaukee, WI 53202
Telephone: (414) 225-9755
Facsimile: (414) 225-9753
Docket No.: 599.018